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SUMMARY RECORD OF THE 12th MEETING

Chairman: Mr. CISSE (Senegal)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.45 p.m.

ORGANIZATION OF WORK

1. The CHAIRMAN said that the Bureau had received a request from a number of delegations to make the following proposal to the President of the General Assembly: "The Third Committee formally recommends to the General Assembly that it mark, in plenary meeting, the opening of the International Decade of the World's Indigenous People, to begin on 10 December 1994". The recommendation would be made on the understanding that discussion of and action on the corresponding agenda item (item 103) would be undertaken in the Third Committee, in accordance with the original allocation of the item by the Assembly. The Bureau had discussed the proposal and recommended it to the Committee for consideration. He took it that the Committee wished to adopt that proposal.

2. It was so decided.

3. The CHAIRMAN said that he had also received a request to invite the Special Rapporteur on the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities to make a statement to the Third Committee in the context of agenda item 95. Since there would be no report from the Special Rapporteur to the current session of the General Assembly, the invitation would be issued on an exceptional basis. The Bureau supported the request. Accordingly, he took it that the Committee wished to invite the Special Rapporteur to make a short statement to the Committee under item 95.

4. It was so decided.

AGENDA ITEM 105: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (A/49/336)

AGENDA ITEM 108: PROGRAMME PLANNING (Programmes 25, 26, 35, 36 and 37)

5. The CHAIRMAN said that at its 5th meeting, the Committee had agreed to set aside a meeting to discuss items 105 and 108. That decision had been taken in response to letters from the Chairman of the Fifth Committee (A/C.3/49/2 and 3).

6. Mr. FERNANDEZ PALACIOS (Cuba) said that the text of programme 35 in the proposed revisions to the medium-term plan for the period 1992-1997 (A/49/6 (Prog. 35)) did not adequately reflect the letter and spirit of the Vienna Declaration and Programme of Action and in some cases distorted and omitted important provisions of that document. Paragraph 35.1 of programme 35 should be deleted because it was not in accordance with the Vienna Declaration. Although paragraph 35.2 referred to the interdependent and interrelated nature of human rights, it should also reflect the provision in part I, paragraph 5, of the Vienna Declaration that all human rights were indivisible. The second sentence of paragraph 35.3 of programme 35 should include the provision set forth in part I, paragraph 32, of the Declaration. In addition, the third sentence of paragraph 35.3 should mention the important role of human rights components in

specific arrangements concerning some peace-keeping operations, referred to in part II, paragraph 97, of the Declaration.

7. Paragraph 35.4 of programme 35 should include the reference to effective measures against the sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse, contained in part II, paragraph 48, of the Vienna Declaration. Paragraph 35.7 should include the reference in part II, paragraph 67, of the Declaration to assistance provided upon the request of Governments for the conduct of free and fair elections. That reflected an important consensus that had been set forth in General Assembly resolutions dealing with respect for the principles of national sovereignty and non-interference in the internal affairs of States. Furthermore, the text of part I, paragraph 31, of the Vienna Declaration should be added at the end of paragraph 35.7. Paragraphs 35.8 and 35.9 should be amended to include the reference in part II, paragraph 1, of the Declaration concerning cooperation in order to rationalize and streamline human rights activities, taking into account the need to avoid unnecessary duplication.

8. His delegation noted with satisfaction the various objectives set forth in part A, section 2, of programme 35, entitled "Overall strategy". Nevertheless, his delegation wished to propose the inclusion of a paragraph (r) on "Taking concrete measures and finding the necessary resources to combat new forms of racism, racial discrimination, xenophobia and related intolerance", and a new subparagraph (s) on "Defining measures to take effective action in promoting and protecting the rights of the child".

9. Referring to part A, section 3, of programme 35, his delegation thought that subprogrammes 3 and 4 dealt with essentially the same questions and should be combined into a single subprogramme entitled "Special procedures". Lastly, his delegation wished to propose the inclusion of two new subprogrammes on "Implementation of the Declaration on the Right to Development and adoption of measures to guarantee economic, social and cultural rights" and "Effective measures to combat new forms of racism, intolerance and xenophobia".

10. Mr. MUCH (Germany), speaking on behalf of the European Union, said that the Secretariat had produced a balanced document which reflected well United Nations policies to achieve human rights objectives, including those contained in General Assembly resolution 48/141. The medium-term plan set forth a comprehensive approach to the need to address the implementation of all human rights and avoid attempts to single out specific ones. In particular, it paid adequate attention to the need to ensure preventive action in the field of human rights and further integrate human rights into the objectives and policies of the various United Nations bodies and programmes as well as into early warning, peace-keeping and post-conflict peace-building activities.

11. Programme 35 also accorded adequate attention to the efforts of the Centre for Human Rights to enhance coordination between special human rights procedures and treaty-based human rights bodies, as well as between special procedures and the larger United Nations system. The European Union believed that those efforts would enhance the effectiveness of those mechanisms and make better use

of existing resources, and looked forward to the detailed report on improvement of existing protection and monitoring mechanisms, referred to in paragraph 35.51.

12. Ms. BUCK (Canada), speaking also on behalf of Australia and New Zealand, said that on the whole, the proposed revisions to the medium-term plan in document A/49/6 (Prog. 35) adequately reflected the changes that had occurred over the past two years and the legislative framework guiding the human rights work of the United Nations, particularly the revisions resulting from the World Conference on Human Rights. The revised medium-term plan preserved the fine balance achieved in the Vienna Declaration on the relative importance of various issues, such as early warning, the prevention of human rights violations and the right to development. She was particularly pleased that the document referred to efforts to coordinate the work of the special procedures, the treaty-based human rights bodies and the larger United Nations system, and efforts to improve the efficiency of the reporting system.

13. Although the Australian, Canadian and New Zealand delegations might have wished to have seen greater emphasis on such aspects as technical and advisory services and the implementation of existing norms, they were aware of the danger of attempting to renegotiate consensus language. The medium-term plan was not a negotiated text, but reflected the consensus decisions already adopted. The document was a balanced and useful reflection of those decisions and had the full support of the three delegations.

14. After the lengthy and difficult negotiations in Vienna, there should be no further delay in implementing the decisions taken at the World Conference. The Vienna Declaration and Programme of Action implied a significant reorientation and expansion of the United Nations human rights programme. That required the allocation of additional resources to the Centre for Human Rights and the Office of the High Commissioner, which in the long term would result in increased coordination and ensure more effective use of resources and improved impact of activities.

15. Ms. TOMIC (Slovenia) said that programme 35 (A/49/6) responded adequately to the need that had arisen in recent years to strengthen the financial and human resources of United Nations human rights bodies. Programme 35 set forth comprehensive and achievable proposals aimed at adapting human rights machinery, meeting current and future needs and ensuring protection and realization of all human rights in a balanced manner. Her delegation agreed with the form and substance of the six subprogrammes in part A, section 3, of programme 35 and was particularly pleased with the course of action of the Secretariat set forth in paragraphs 35.31 to 35.35. Slovenia fully supported the proposed revisions to the medium-term plan and hoped that they would meet with the approval of the Fifth Committee, in view of the importance of ensuring adequate additional funds to implement them on the basis of budgetary and extrabudgetary resources.

16. Mr. BIGGAR (Ireland) said that his delegation fully supported the position of the European Union on programme 35 and welcomed the proposed revisions to the medium-term plan (A/49/6 (Prog. 35)). He noted in particular that

paragraph 35.1 firmly grounded United Nations human rights activities in the Charter. Programme 35 provided a comprehensive overview of United Nations activities in the field, especially with regard to implementation of the Vienna Declaration and Programme of Action. Ireland particularly welcomed the multifaceted strategy set forth in paragraph 35.15 of programme 35, which provided a complete and balanced guide for the work of the Organization in that area. He noted the reference in paragraph 35.38 rendering the international human rights norms more operative, and stressed that the objective of making United Nations human rights activities more operative should apply to all subprogrammes. Lastly, his delegation underscored the need for a significant increase in the resources for human rights programmes, particularly a major increase in the proportion of the regular budget allocated to the Centre for Human Rights.

17. Mrs. ESPINOSA (Mexico) said that paragraph 35.21 of programme 35 did not fully conform to the Vienna Declaration and Programme of Action - especially part II, paragraphs 1 to 3 - and that paragraphs 35.26 (d) and (f) needed to be amended accordingly.

18. The second part of paragraph 35.21 had no basis in either the Vienna Declaration or General Assembly resolution 48/141. Part II, paragraph 97, of the Vienna Declaration had a very different meaning. Therefore the second part of paragraph 35.21 and the corresponding paragraph 35.26 (b) should be deleted. Paragraph 35.23 exceeded the terms of part II, paragraph 7, of the Vienna Declaration and should therefore be brought into line with that paragraph.

19. Subprogramme 3 of programme 35 related to part II, section E, of the Vienna Declaration, entitled "Implementation and monitoring methods", and should be amended accordingly. Subprogramme 3 should also be amended to define more precisely the role of the Centre for Human Rights as the executing body for decisions made by the relevant intergovernmental organizations; she was referring in particular to paragraphs 35.43 and 35.44. Moreover, the term "early warning" should be deleted from paragraph 35.45 since there was no reference to that concept either in the Vienna Declaration or in the resolution establishing the post of High Commissioner for Human Rights.

20. Paragraph 35.48 should be amended to take account of existing procedures and of the fact that the references to confidential studies and fact-finding missions had no foundation in the Vienna Declaration. Similarly, paragraph 35.52 should be deleted, since references to preventive diplomacy had no basis in the Vienna Declaration.

21. Subprogramme 5 should be subdivided further into one subprogramme dealing with discrimination and the promotion and protection of the human rights of vulnerable groups; and another on the promotion and protection of economic, social and cultural rights, including the right to development.

22. Referring to paragraph 60 of document A/49/336, she said that the transfer of the Electoral Assistance Division to the Department of Peace-keeping Operations was inappropriate, since the majority of electoral assistance

programmes had been implemented outside the framework of peace-keeping operations.

23. Mr. KUEHL (United States of America) said that the revised medium-term plan deserved support. He reminded delegations that they were not establishing new human rights programmes but rather developing existing programmes. Programme 35 did not need to be based solely on the Vienna Declaration and Programme of Action. There was a broad foundation of United Nations mandates, declarations and precedents which should be taken into account.

24. He said that part II, paragraph 97, of the Vienna Declaration supported the human rights component of peace-keeping operations. Referring to points made earlier concerning the rights of children, he said that the Secretariat could not put anything into the medium-term plan which had not been established by mandate; that could properly be done through the Commission on Human Rights. It would also be wrong for the Secretariat to include a reference to unilateral measures or trade embargoes in the medium-term plan, since the relevant paragraph in the Vienna Programme of Action (I.31) was addressed to "States" and not "the United Nations".

25. Lastly, the arrangement of subprogrammes was the prerogative of the Secretary-General and the High Commissioner for Human Rights, according to their mandate. He urged that their actions should not be circumscribed. If there were objections to the revised medium-term plan, delegations should debate them in the appropriate forums.

26. Mrs. FENG Cui (China) said that the revised medium-term plan was not a comprehensive and accurate reflection of the relevant General Assembly resolutions or of priorities in the field of human rights. The programme should therefore undergo substantial revision. A longer period for discussion should also be allocated to human rights issues, which were sensitive and important.

27. References in paragraphs 35.21, 35.45 and 35.52 of programme 35 to peace-keeping operations and early warning were not based on the Vienna Declaration and Programme of Action. Paragraph 35.26 (b) on preventive diplomacy included wording which did not come from that Programme of Action. Paragraph 35.12 on the mandate for the High Commissioner for Human Rights was not an accurate reflection of resolution 48/141, since the words "within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights," which appeared in paragraph 4 of the resolution, had been omitted. Similarly, the words "at the request of the State concerned", in paragraph 4 (d) of the same resolution, had been omitted from paragraph 35.13.

28. Paragraph 35.22 and other paragraphs referred to new procedures concerning women's issues. She would like to know what those new procedures were, since they were not mentioned in a General Assembly resolution. The programme of action for the United Nations decade for human rights education mentioned in paragraph 35.15 (l) had not yet been adopted, so should not be referred to. She

suggested that, after the Third Committee had considered the document, it should be submitted to the Fifth Committee.

29. Ms. MURUGESAN (India) said that in the course of the implementation of the Vienna Declaration and Programme of Action as represented by programme 35, a certain imbalance had been introduced. Her delegation could not support the creation of new United Nations organs or offices until they had been approved. According to the Vienna Declaration and Programme of Action, any increase in resources for human rights activities should not be at the expense of development programmes. The Centre for Human Rights should be subject to that provision, which should be specifically mentioned in programme 35. Her delegation would find it difficult to support the six subprogrammes, which focused only on civil and political rights, unless they were balanced by a programme on the right to development and social rights.

30. The coordination of the Centre for Human Rights and peace-keeping operations should be governed by the relevant General Assembly resolutions, in particular resolution 47/120. Women's representation in United Nations bodies should be strictly governed by geographical equity. Her delegation strongly supported the proposals by the Centre for Human Rights on the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. She said that objectivity was an extremely important criterion in the overall strategy of programme 35, and she called for an annual report on the staffing of the Centre.

31. Referring to subprogramme 1, she said that the Centre's policy proposals should be subject to review by Governments before approval. The Centre should report regularly to the High Commissioner for Human Rights and to Governments in matters concerning coordination with other United Nations organs.

32. Objectivity was also essential in media reporting on human rights. She requested a report from the Centre for Human Rights on media coverage of human rights issues in the past five years and its effect on policy. She further requested information on the formulation and staffing of advisory services. Referring to subprogramme 3, she said that the choice of experts should be made on the basis of geographical distribution.

33. The Working Group on Communications of the Human Rights Committee needed more resources. She requested information on the number, sources and content of communications received yearly and on how they were verified and examined. Field missions and monitoring operations should be properly mandated. She asked what proportion of the budget of the Centre for Human Rights went to each mission. She also asked that experts whom the Centre for Human Rights proposed to consult should be listed and approved by intergovernmental bodies before consultations began.

34. Mr. AQUARONE (The Netherlands) said that it was not the time for detailed comment on the medium-term plan. The Secretariat should be given the flexibility it needed to comply with its mandate. The text reflected the aims of promoting and protecting human rights and implementing the Vienna Declaration

and Programme of Action. However, he stressed the need for adequate resources for the Centre for Human Rights and the High Commissioner for Human Rights. The amounts earmarked thus far seemed inadequate.

35. Mr. FLORENCIO (Brazil) said that it was essential to seek the participation of intergovernmental bodies in deliberations on administrative matters with a view to ensuring that their decisions were fully implemented and adequately reflected in the narratives of the medium-term plan. He also agreed that an additional report should be compiled to address points that were not fully reflected in the relevant report of the Secretary-General (A/49/336), namely the impact of restructuring on United Nations programmes, and measures taken to adjust that process in accordance with the decisions of the relevant intergovernmental bodies. Those points applied particularly to the section of the report entitled "Human rights", in which connection he stressed that existing human rights mechanisms were primarily responsible for dealing with human rights issues.

36. Stressing the central role of the medium-term plan, he fully shared the Secretary-General's view that it was a useful tool for enhancing the democratic character of the United Nations and a means of ensuring the effectiveness of the Secretariat. He also fully supported the recommendations of the thirty-fourth session of the Committee for Programme and Coordination concerning programmes 25 (Global social issues and policies), 26 (Social integration), 36 (International protection of and assistance to refugees) and 37 (Humanitarian assistance). However, with regard to programme 35 (Promotion and protection of human rights), it was his country's view that human rights issues should have no undue political connotations. Finally, he supported strengthening the activities of the Centre for Human Rights, particularly concerning international cooperation for the promotion of human rights, although enhancing its capacity should not prejudice the economic and social resources of the Secretariat.

37. Mr. SUTOYO (Indonesia), speaking on behalf of the non-aligned countries, urged the Committee to allocate further time to careful discussion and analysis of document A/49/6 (Prog. 35), failing which it would be unable to convey its views to the Chairman of the Fifth Committee.

38. Mr. VAUGHN-FENN (United Kingdom) reiterated his country's view that such a debate was unnecessary, duplicative and circular, since the medium-term plan simply illustrated a means of implementing decisions already reached. The current session was aimed at enabling those with strong views to express them orally before the Committee responded in writing to the letter from the Chairman of the Fifth Committee. He believed that the Cuban representative had misconstrued the objective of the medium-term plan, which drew its mandated authority from all corners of the United Nations and not merely from the Vienna Declaration and Programme of Action, the aim being to reflect the evolving policy of the United Nations on human rights. Reference to the relevant resolutions should be sufficient to assuage the concerns expressed over specific formulas contained in the medium-term plan, while the Commission on Human Rights provided an annual forum where any transgressions attributed to the Secretariat

could be discussed. It was therefore important to move on swiftly to the stage of implementing the medium-term plan.

39. Mr. MUCH (Germany), agreeing with the previous speaker, urged Indonesia to withdraw its proposal; further discussion of a subject on which agreement had already been reached would create a bad precedent and would not augur well for the continuation of fruitful debate.

40. Ms. FENG Cui (China) stated that any reservations on the subject should be conveyed to the Fifth Committee on the valid basis that programme 35 had not even been discussed. Adding that the medium-term plan did not consistently reflect General Assembly resolutions or the spirit of the Vienna Declaration, she said that it should be revised.

41. Mr. FERNANDEZ PALACIOS (Cuba) reiterated the need to ensure that consistency with adopted principles, standards and documents was maintained; programme 35, in his view, distorted both the Vienna Declaration and General Assembly resolution 48/141.

42. Mr. MAZLAN (Malaysia) drew the conclusion that the difficulties of some delegations lay not in the endorsement per se of document A/49/6 (Prog. 35), but in its failure to adhere to the Vienna Declaration. Yet the argument that it should not be based on the Declaration alone was refuted by statements contained in the document itself. The fact remained, however, that without consensus, the document would meet further difficulties in the Fifth Committee. He therefore supported the Indonesian proposal for more thorough discussion.

43. Mr. PALIHAKKARA (Sri Lanka), while not denying that document A/49/6 (Prog. 35) was essentially good, concurred that delegations were entitled to comment on some of its disturbing deficiencies. The problem was that the document quoted legislative mandates only selectively and contained political statements and judgements not based on documents referred to in the section entitled "General orientation". Peacemaking and peace-keeping, for example, were governed by General Assembly resolution 47/120, which had been carefully negotiated. In discussing the integration of human rights objectives into such activities, however, the document made no reference to that resolution. Moreover, any human rights segments required in the course of peace-keeping operations were mandated by the intergovernmental bodies responsible for organizing those operations. He further shared the view that more thought should have been given to economic and cultural rights, as well as to the resources that would enable the High Commissioner for Human Rights to fulfil his mandate. Such comments were made in good faith with a view to seeking clarification from the Secretariat.

44. Mr. MUCH (Germany) said he fully respected the national positions expressed, but emphasized that a method and time-frame had already been agreed for the presentation of ideas on the subject. Underscoring the absence of restrictions concerning the length of written comments, which would be faithfully conveyed to the Fifth Committee, he urged adherence to the agreed procedure.

45. Mr. REZVANI (Iran) said that, although considerable care had been devoted to the revision of programme 35, it was not an accurate reflection of the Vienna Declaration and Programme of Action; rather, it was the interpretation of the Declaration by the Centre for Human Rights. The revised programme departed from the letter and spirit of the Declaration and adopted a futuristic approach.

46. His delegation therefore wished to propose a number of amendments. Paragraph 35.1 should be deleted. As to paragraph 35.2, he noted that the framework for the future development of the United Nations human rights programme did not lie solely in the Vienna Declaration and Programme of Action, but also in other relevant resolutions. In the third sentence, the word "indivisible," should be inserted before "interdependent", in accordance with part I, paragraph 5, of the Declaration. In paragraph 35.3, paragraph 32 of part I of the Vienna Declaration should be inserted before the final sentence. The final sentence of paragraph 35.3 should be redrafted in accordance with part II, paragraph 97, of the Vienna Declaration.

47. In paragraph 35.4, the words "through new procedures" should be deleted from the first sentence, since they were not mentioned in the Vienna Declaration. In paragraph 35.7, the second sentence should end with the words "development and human rights", and the clause "and that assistance be provided in the human rights aspects of democratic elections" should be replaced by the clause "In this context, assistance provided upon the request of Governments for the conduct of free and fair elections," which was contained in part II, paragraph 67, of the Vienna Declaration and Programme of Action. Paragraph 35.8 should be replaced by the second sentence of part II, paragraph 1, of the Declaration.

48. In paragraph 35.9, the word "renewed" in the second sentence should be omitted, since the Declaration did not mention renewal. In the same sentence, the period should be replaced by a comma and the words "also rationalization and streamlining while taking into account the need to avoid unnecessary duplication" should be added. The final sentence should be redrafted in accordance with the last sentence of part II, paragraph 1, of the Declaration.

49. In paragraph 35.15, subparagraph (l) should be deleted, because a United Nations decade for human rights education had not yet been proclaimed. Subparagraph (o) should be deleted, since there was no specific reference in the Vienna Declaration to the idea it contained. A new final subparagraph should be added reading: "The adoption of new and concrete measures, in order to combat new forms and manifestations of racism, xenophobia or related intolerance", in accordance with part II, paragraph 20, of the Vienna Declaration.

50. In paragraph 35.16, subprogrammes 3 and 4 were repetitious and should be merged into one programme entitled "Special procedures" and the corresponding paragraphs 35.36 to 35.52 should be streamlined. His delegation proposed two new subprogrammes, "Right to development and implementation of the Declaration on the Right to Development", and "Development of strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance".

51. In paragraph 35.21, the word "all" in the second sentence should be replaced by the word "relevant". The last sentence should be deleted, because there was no mention of early warning, peacemaking, peace-keeping or post-conflict peace-building in the Vienna Declaration. In the third sentence of paragraph 35.22 the words "through new procedures" should be deleted, again because the concept was not included in the Declaration. Lastly, his delegation proposed the deletion of the final sentence of paragraph 35.23 and of subparagraph (b) of paragraph 35.26.

52. The Committee clearly needed additional time for a full discussion of the revisions to programme 35. A mere compilation of written and oral views would by no means resolve the concerns that had been voiced, and the Fifth Committee expected a consensus on the substance of the document.

53. Ms. FENG Cui (China) said that the Committee needed more time to discuss the proposed revisions to programme 35. Delegations could express reservations only after the text had been adopted; both the revised programme and the reservations could be transmitted to the Fifth Committee.

54. Mr. THEUERMANN (Austria) emphasized that the Committee's task was not to endorse or adopt programme 35 but, rather, to bring its views thereon to the attention of the Fifth Committee. Accordingly, delegations should provide their written comments to the Chairman, who would forward them to the Fifth Committee.

55. Ms. MURUGESAN (India) said that there were serious deficiencies in document A/49/6 (Prog. 35) which must be corrected. Unless the Committee forwarded an agreed text to the Fifth Committee, it would simply be transferring the problem to the Fifth Committee. If its discussion at the current meeting had no impact on the document, the meeting would have been irrelevant and wasted.

56. Following a discussion in which the CHAIRMAN, Mr. ABU HADID (Syrian Arab Republic), Mr. KUEHL (United States of America), Mr. MUCH (Germany), Mr. MAZLAN (Malaysia), Mr. SUTOYO (Indonesia) and Ms. NEWELL (Secretary of the Committee) took part, the CHAIRMAN said that the Secretariat would endeavour to schedule a further meeting at which the Committee could continue its discussion of programme 35. In any event, interested delegations should submit their comments on the programme in writing. Once the Committee had concluded its discussion he would send a summary of the discussion to the Chairman of the Fifth Committee, along with any written submissions.

The meeting rose at 6.15 p.m.